

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 4 D.C.
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THOMAS H. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. JACKSON

SANDRA K. WEBB, and
TABITHA N. WEBB,

Plaintiffs,

VS.

No. 05-1188-T/An

STATE OF TENNESSEE,

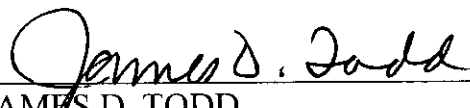
Defendant.

ORDER OF DISMISSAL

Plaintiffs Sandra K. Webb and Tabitha N. Webb filed a declaratory judgment action pursuant to 28 U.S.C. § 2201 on July 5, 2005, along with *in forma pauperis* affidavits. The *in forma pauperis* affidavits indicate that Tabitha N. Webb has no income or assets and is solely supported by Sandra K. Webb. However, Sandra K. Webb's affidavit failed to document her assets, income and expenses, so that the Court was unable to make an informed ruling on the request for pauper status. Therefore, on September 14, 2005, the Court issued an order directing Sandra K. Webb to either pay the \$250 filing fee or submit a properly completed and executed *in forma pauperis* affidavit within thirty days. Plaintiffs were warned that failure to comply with the order would result in dismissal of the action for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).

As of the date of this order, plaintiffs have neither paid the filing fee nor submitted a sufficient *in forma pauperis* affidavit. Therefore, this case is hereby DISMISSED, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. The Clerk of Court is directed to prepare a judgment.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 1:05-CV-01188 was distributed by fax, mail, or direct printing on October 25, 2005 to the parties listed.

Tabitha N. Webb
PO Box 1451
Jackson, TN 38302

Sandra K. Webb
PO Box 1451
Jackson, TN 38302

Honorable James Todd
US DISTRICT COURT